



330 Main Street, Hartford, Connecticut 06106
860-523-9146 | www.acluct.org

Testimony in Opposition of House Bill 5938, An Act Prohibiting Panhandling On State Highway Entrances And Exits

February 11, 2015

Good afternoon Senator Maynard, Representative Guererra and distinguished members of the Transportation Committee. My name is David McGuire. I am the staff attorney of the American Civil Liberties Union of Connecticut (ACLU-CT) and I'm here to testify in Opposition of House Bill 5938, An Act Prohibiting Panhandling On State Highway Entrances And Exits.

This proposal seeks to eliminate panhandling on state highway entrances and exits. In public forums, solicitation of all kinds, including begging by poor people, is protected pursuant to the First Amendment. As explained in *Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620 (1980), "charitable appeals for funds, on the street or door to door, involve a variety of speech interests communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes-that are within the protection of the First Amendment." Begging, like other charitable solicitation, is speech entitled to First Amendment protection. See, *Loper v. New York City Police Department*, 999 F.3d 699, 706 (2d Cir. 1993); *Bennett v. City of Cambridge*, 424 Mass. 918, 922, 679 N.E.2d 184, 187 (1997) ("the peaceful begging engaged in by plaintiff involves communicative activity protected by the First Amendment").

Content-based restrictions on speech are "presumptively invalid." *R.A.V. v. St. Paul*, 505 U.S. 377, 382 (1992). It would be unconstitutional for the legislature to single out the speech of panhandlers for punishment, while permitting the speech of others who solicit funds. Any scheme that prohibits one category of speech, for example soliciting donations, while permitting other categories of speech, such as solicitation of passersby to sign a petition would constitute a content-based restriction because one must evaluate the content of the person's speech to determine whether the person has violated the law. See, *Loper*, 999 F.2d at 705 (anti-begging statute was "not content neutral because it prohibit[ed] all speech related to begging," while allowing speech on other topics).

This bill is an unnecessary and unconstitutional restriction on the speech of the poorest Connecticut residents. For these reasons above we urge this committee to reject this proposal.